

desire him to be made free." Frequently this was done and he suffered no punishment.

Among the Alabama retaliation for murder rested, as among the Creeks, with the clan of the victim. Upon one occasion, after this tribe had removed to Louisiana and Texas, one of the Louisiana Alabama killed another and fled to Texas. Sometime afterward he suddenly appeared among the people he had left while a dance was going on. The men belonging to the clan of the murdered man then got their guns, came to the place, and killed him. He on his part crouched by the fire and made no attempt to escape. Evidently he had decided deliberately that death was better than banishment.

There is no instance recorded of an old person being killed to save his family the trouble of supporting him, and Bartram is insistent that such cases occurred rarely, and only at the earnest request of the victim.²⁵ Bossu says that "the old people who can not follow during a retreat ask to be killed with blows of clubs, as well to spare them the grief of decrepitude as for fear lest they fall into the hands of their enemies, and be burned or eaten,"²⁶ but he is careful to explain that death was inflicted upon the aged only from motives of humanity. Says Romans: "They revere old age to excess," but he adds, "in extreme sickness they will out of compassion break the neck of the decrepit or lingering patient."²⁷

Infanticide was practiced under certain circumstances, as the following from Swan shows:

"If a young woman becomes pregnant by a fellow whom she had expected to marry, and is disappointed, in revenge, she is authorized by a custom of the country, to destroy the infant at the birth, if she pleases, which is often done, by leaving it to perish in the swamp where it was born, or throwing it into the water. And, indeed, to destroy a new-born infant is not uncommon in families that are grown so numerous as to be supported with difficulty; it is done by mutual consent of the clan and parents, and without remorse."²⁸

This is supported by Milfort:

"In this nation the children all belong to the mother, who has the right of life and death over the one to whom she has just given birth, during the first month following her confinement. This time having expired, if she should kill it she would herself be punished with death."²⁹

Witchcraft was often given as the reason for killing a certain person, but it must be remembered that the person was not destroyed

²⁵ Bartram, *Travels*, p. 467.

²⁶ Bossu, *Nouv. Voy.*, vol. II, pp. 26-28.

²⁷ Nat. Hist. N. and W. Fla., p. 66.

²⁸ Swan, in Schoelkopf, *Ind. Tribes*, vol. 7, p. 272.

²⁹ Milfort, *Mém.*, p. 231.

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merely because he was believed to possess the powers of a wizard, but because it was thought he had used his art to kill or seriously injure someone else. Thus the wizard (or witch) was not punished for being a wizard, according to the understanding of the people themselves, but for being a murderer.

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Adultery was punished, among the Creeks and other southern tribes in such a striking manner that almost every traveler in that section has recorded something about the custom. The first report of it was given by Garcilasso from information furnished by two old soldiers of De Soto's army and is as follows:

"Before leaving the province of Tuscaluça, it is proper to relate the manner in which the laws of this country and of that of Coça, punish adulteresses. There is, in this last province, a law which decrees, upon penalty of death, that if any one has sufficient indications to believe that a woman is an adulteress, he has to inquire into it and impeach her before the cacique, or, in his absence, before the local judges. These judges upon the report that is made to them, secretly hold an inquest against the person accused, and arrest her if they find her guilty. Afterwards, at the first festival, they order to be published that the inhabitants, on going out from their dinner repair to a certain place outside of the village, and that there they all arrange themselves in a row. Then come the judges, of whom two place themselves at one end of this file, and two at the other. They first decree that they bring to them the adulteress, and then they say to her husband who is present, that she is convicted of a lewd life, and that he must deal with her according to the rigor of the law. The husband strips her entirely naked, and shaves her with a kind of razor of flint; a disgraceful punishment and common among the Indians of the new world. Then to show that he repudiates her, he leaves with the clothes of his wife, and abandons her to the power of the judges. Two immediately command the criminal to pass in front of the persons who are in a row, and to go and declare her crime to the other two officers. She obeys, and as soon as she draws near to them she tells them that she is convicted of adultery and condemned to the penalty with which the law punishes that crime; that she is sent to them in order that they may do with her what it shall please them for the welfare of the province. The judges immediately send her back with this answer: that it is just that the laws that are made with a view to the preservation of public virtue should be inviolably observed; that therefore they confirm the sentence which they have rendered against her, and order her in the future not to relapse again into her crime. Thereupon she returns to the first judges, and the people who are in a row hiss her, and endeavor by means of insults, to increase her shame. In the mean time the people who come in a crowd and see her naked, yell at her. Some